

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA. Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
Nos. 1 to 5 No.

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VITTALBHAI ARJANBHAI CHAVATIA

Versus

COLLECTOR

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Appearance:

MR BA SURTI for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2

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CORAM : MR.JUSTICE R.BALIA.

Date of decision: 01/12/97

ORAL JUDGEMENT

Heard learned counsel Mr.Surti for petitioner and Government Pleader and perused the record. The petitioner has sought a writ of mandamus against the order passed by the Collector, Junagadh as affirmed by the State of Gujarat in appeal under the Essential Commodities Act read with Gujarat Essential Article (Licencing and Control and Stock Declaration) Order 1981

by which stock of 8550 kgs. of Oil, seized on a search conducted on 7.8.1977, was ordered to be confiscated on 22.10.1988 after issuing show cause notice on 15.7.1988 to the petitioner and considering the explanation furnished by him in response thereto.

Having considered the show cause notice and the reply furnished by the petitioner I am of the opinion that no error apparent on the face of the record calling for interference in the matter.

The petition has been filed in the name of Shri Vittalbhair Arjanbhair Chavatia whereas the affidavit has been sworn in the name of Vittalbhair Arjanbhair Savalia. The whole case of the petitioner is that because of the astrological reasons he decided to change his name from Vittalbhair Jivrajbhair Chavatia to Vittalbhair Arjanbhair Savalia. This explanation has been rejected by both the parties and in my opinion for good reason if for astrological reason one is dissatisfied with his name in ordinary course of human conduct the person would like to change his own name rather than father name or sur-name or both which denotes altogether different identity. The principal allegation against the petitioner has been that he has been found to deal in the commodity for which licence was issued in the name of different person. The fact that the father's name as well as sur-name both are different from original and there is discrepancy in the petitioner's name in the petition as well as in the affidavit sworn in does leave shadow of doubt in the petitioner's explanation.

In that view of the matter this petition under Article 226 is not maintainable and is hereby dismissed. Rule is discharged.

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m.m.bhatt